IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.8430 of 1999

K.U.Muthukumaresan .. Petitioner.

Versus

The Asst. Commissioner,
(Law and Order),
Thiruvallikeni Circle,
Chennai City Police, Chennai. .. Respondent.

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to undated notice issued by the respondent without proceedings number and quash the same.

For Petitioner : Mr.R.Thamodaran
For Respondents : Mr.V.Manoharan
Government Advocate

O R D E R

Heard Mr.R.Thamodaran, the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

2. It is submitted that the petitioner is the owner of the property bearing No.17 (New No.35), Thayar Sahib Street, Anna Salai, Chennai-2. The said property belongs to the petitioner and his brother. In the ground floor of the property there are two godowns, one of which is let out on lease to Indo National Limited and the other to Sachedeva Road Lines Pvt. Ltd. The first and second floors of the property are occupied by tenants. It is also submitted that the petitioner is not running a lodging house and is not letting out any portion of the premises on daily basis, as alleged by the respondent.

3. The main contention of the learned counsel appearing for the petitioner is that the impugned order, dated NIL, has been passed by the respondent without giving the petitioner an opportunity of being heard.

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4. It is stated by the learned counsel appearing for the petitioner that it would suffice that if an opportunity is given to the petitioner to show cause with regard to the allegations made by the respondent.

5. Mr.V.Manoharan, the learned Government Advocate has submitted that the petitioner would be given a notice, with regard to the allegations made against the petitioner, by the respondent, within a period of one week from today.

6. In view of the above submissions, this Court is of the view that the impugned order of the respondent has to be set aside and accordingly, the said order is set aside. However, the respondent is at liberty to issue a notice to the petitioner, within a period of one week from today. On such notice being given, the petitioner is to submit the required explanation and also to produce the necessary documents in support of his claims, within a period of two weeks thereafter. On receipt of the explanation and the necessary documents, the respondent is directed to pass appropriate orders thereon, on merits and in accordance with law, within a period four weeks thereafter.

csh

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1.The Asst. Commissioner,
(Law and Order),
Thiruvallikeni Circle,
Chennai City Police, Chennai.

+ One cc to Govt pleader SR 70417
+ One cc to Mr. R. Thamodaran, Advocate SR 70054
AKR (co)
sg 28/11/07

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